

Message Text

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UNCLAS HONG KONG 10958

H PASS: HONORABLE SPARK MATSUNAGA, UNITED STATES SENATE,
WASHINGTON, D.C. 20510

E.O. 11652: N/A
TAGS: CPAS (LAU, NANCY M.G. LOW)
SUBJECT: CITIZENSHIP STATUS OF MRS. NANCY M.G. LOW LAU

REF: SENATOR MATSUNAGA'S LETTER DATED AUGUST 3, 1978 ON BEHALF
OF MRS. LAU

1. MRS. LAU IS A NATURALIZED CITIZEN, HAVING BEEN ADMITTED TO
CITIZENSHIP ON SEPTEMBER 6, 1962 BEFORE THE U.S. DISTRICT
COURT, HONOLULU. ON OR ABOUT DECEMBER 7, 1963, SHE RETURNED
TO HONG KONG, WHERE SHE WAS BORN. SHE WAS MARRIED ON JANUARY 30,
1964 TO LAU KWONG HIN, A NON-U.S. CITIZEN AND HAS RESIDED IN
HONG KONG SINCE THAT TIME WITHOUT RETURN TO THE UNITED STATES
UNTIL THIS YEAR.

2. SECTION 340(D) OF THE IMMIGRATION AND NATIONALITY ACT PROVIDES
THAT "...A PERSON WHO SHALL HAVE BEEN NATURALIZED SHALL,
WITHIN FIVE YEARS AFTER SUCH NATURALIZATION, RETURN TO THE COUNTRY
OF HIS NATIVITY, OR GO TO ANY OTHER FOREIGN COUNTRY,
AND TAKE PERMANENT RESIDENCE THEREIN, IT SHALL BE
CONSIDERED PRIMA FACIE EVIDENCE OF A LACK OF INTENTION
ON THE PART OF SUCH PERSON TO RESIDE PERMANENTLY
IN THE UNITED STATES AT THE TIME OF FILING HIS PETITION
FOR NATURALIZATION, AND, IN THE ABSENCE OF COUNTER-
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VAILING EVIDENCE, IT SHALL BE SUFFICIENT IN THE PROPER
PROCEEDING TO AUTHORIZE THE REVOCATION AND SETTING
ASIDE OF THE ORDER ADMITTING SUCH PERSON TO CITIZENSHIP
AND THE CANCELLATION OF THE CERTIFICATE OF NATURALIZATION
AS HAVING BEEN OBTAINED BY CONCEALMENT OF A MATERIAL
FACT OR BY WILFUL MISREPRESENTATION, AND SUCH REVOCATION
AND SETTING ASIDE OF THE ORDER ADMITTING SUCH PERSON

TO CITIZENSHIP AND SUCH CANCELING OF CERTIFICATE OF NATURALIZATION SHALL BE EFFECTIVE AS OF THE ORIGINAL DATE OF THE ORDER AND CERTIFICATE, RESPECTIVELY..."

3. CONSULAR OFFICERS ARE REQUIRED BY THIS SECTION OF LAW TO FURNISH THE DEPARTMENT OF JUSTICE THROUGH THE DEPARTMENT OF STATE WITH THE NAMES OF THOSE PERSONS WHO, THE CONSULAR OFFICER BELIEVES, COME WITHIN THE PURVIEW OF THE SECTION. IT WAS FOR THIS REASON THAT WE TOOK UP THE MATTER WITH MRS. LAU WHEN SHE APPLIED FOR A NEW PASSPORT IN OCTOBER, 1977. SHE WAS LAST SEEN BY CONSULAR OFFICER ON MARCH 7, 1978 AT WHICH TIME SHE PROMISED TO PROVIDE HIM WITH COUNTERVAILING EVIDENCE THAT SHE IS NOT SUBJECT TO THE PROVISIONS OF SECTION 340(D). AS YET, SHE HAS NOT DONE SO AND HER CASE IS BEING HELD IN ABEYANCE.

4. YOU HAVE OUR ASSURANCE THAT WHEN MRS. LAU SUBMITS THE PROMISED EVIDENCE, IT WILL BE GIVEN FULL CONSIDERATION. HOWEVER, SHOULD SHE NOT PRESENT SUCH EVIDENCE, CONSULATE WILL BE FORCED TO DEVELOP HER CASE BASED ONLY ON FACTS KNOWN TO IT. WE SUGGEST THAT MRS. LAU VISIT CONSULATE TO DISCUSS THIS MATTER.
SHOESMITH

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